IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 23147 of 2007(E)

PETITIONER:

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1. SADASIVAN NAIR, S/O.MADHAVAN PILLAI,
   AGED 54, RESIDING AT T.C.27/1805,
   SUMANGALI, CHETTIKULANGARA, VANCHIYOOR P.O.,
   THIRUVANANTHAPURAM.

2. SUMANGALI, W/O.SADASIVAN NAIR,
   AGED 49, RESIDING AT T.C.27/1805,
   SUMANGALI, CHETTIKKULANGARA,
   VANCHIYOOR P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.J.S.AJITHKUMAR

RESPONDENTS:

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1. KERALA FINANCIAL CO-OPERATION,
   REPRESENTED BY BRANCH MANAGER, VELLAYAMBALAM,
   THIRUVANANTHAPURAM.

2. DEPUTY TAHSILDAR(RR),
   KERALA FINANCIAL CO-OPERATION,
   THIRUVANANTHAPURAM.

BY ADV. SRI.L.MOHANAN, SC, KFC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF REPRESENTATION DT.10.6.2007 SUBMITTED BY 1ST PETITIONER BEFORE R1.

P2: TRUE COPY OF NOTICE OF SALE OF IMMOVABLE PROPERTY DT..18.6.2007.

P3:TRUE COPY OF REPRESENTEATION SUBMITTED BY 1ST PETITIONER BEFORE R1 DT.2.7.2007.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.23147 of 2007

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Dated this the 6th day of August, 2007.

JUDGMENT

Heard counsel for the petitioner and Standing Counsel for KFC. The liability sought to be recovered is not under contest. However, first petitioner is stated to be bed ridden for long on account of accident. The case of the petitioners is that they will settle liability with the assistance of relatives, if reasonable time is granted. Since mortgaged property is a residential house and since loan is covered by security, W.P. is disposed of granting time to the petitioners to settle liability till 30.11.2007. However, since time is granted based on undertaking that petitioners will settle liability voluntarily, there will be direction to the petitioners to surrender the mortgaged property free of possession to the Corporation immediately on expiry of the time granted above, if default is committed. There will be direction to the KFC to grant waiver of penal interest if payment is made as above. Statement of liability exclusive of penal interest should be given to the petitioner within a week from the date of production of copy of this judgment for payment. No collection charges should be recovered if payment is made voluntarily.

C.N.RAMACHANDRAN NAIR
Judge

pms